

All Party Parliamentary Group on Kinship Care
Minutes of private meeting
Independent review of children's social care in England
Tuesday 22nd June, 1045am, Zoom

Attended: Andrew Gwynne MP (Chair); Baroness Drake

Griffin Mosson (Office of Andrew Gwynne MP); Liam Lavery (Office of Kate Osborne MP); Jess Ready (Office of Bishop of Durham); Jonathan Hannay (Representative of Lord Hannay); Jennifer Teare (Office of Ian Byrne MP)

External guests: Cathy Ashley (Chief Executive, Family Rights Group); Jordan Hall (Public Affairs Officer, Family Rights Group); Angharad Davies (Social Work Adviser, Family Rights Group); Nicola Smith (Barnados); Enza Smith (Kinship Carers UK); Dr Paul Shuttleworth (BASW)

Speakers: Josh MacAlister, Chair of the independent review of children's social care in England

Apologies: Tim Loughton MP (Vice Chair), Catherine McKinnell MP (Vice Chair), Miriam Cates MP (Vice Chair), Helen Hayes MP (Vice Chair), Baroness Armstrong MP (Vice Chair), Ian Byrne MP (Vice Chair), Penny Mordaunt MP, Andy McDonald MP, Alex Cunningham MP, Kerry McCarthy MP, Archbishop of York, Bishop of Carlisle, Bishop of Durham.

1) Chair's Welcome – Andrew Gwynne MP

Andrew (AG) opened the meeting with an introduction to the APPG and its work.

Key points:

- The APPG shares a common interest in championing kinship care as a way for children to live safely and thrive within their family network when they cannot remain with their parents.
- The group wants to ensure children in kinship care, and their carers, get the recognition and support they need to thrive.
- The group builds on the work of the cross party Parliamentary Taskforce on Kinship Care which put kinship care on the parliamentary agenda and shined a spotlight on the challenges faced by thousands of kinship carers across the country.
- The Taskforce found that too often kinship care and kinship carers are an afterthought in the children's social care system. Placements with kin are often not explored early and kinship families can be left to struggle in real difficulty, despite the fact they are providing a safe and loving home for children who might otherwise need to go into care.
- If kinship care was better recognised and supported, more children could be safely living and thriving in their family network, instead of needing to go into the care system.

Andrew welcomed Josh MacAlister (JM), Chair of the independent review into children's social care in England, to the session and reflected on the group's initial observations.

- The Review was launched in January and the group were pleased to see that kinship care is firmly in its remit.
- This session today follows shortly after the Review's Case for Change which was published. Andrew said he was pleased to see recognition of the many benefits of kinship care to children.
- The Review has also called for more focused support for children to remain safely in their families and communities where possible, which is the Group's aim too.
- Andrew said he knows the Review heard directly from many kinship carers, about the highs and lows of kinship care and how too often they feel unsupported and penalised by the system despite the fact they've made huge sacrifices to give children a loving home.
- The Group hopes the Review will come up with proposals that address those concerns and make kinship care the first thought within our children's social care system when a child can't remain at home.

2) Josh MacAlister, Chair of the Independent Review into Children's Social Care in England

Key points from Josh's introductory remarks:

- The first priority in the initial stage of the Review has been to hear from as many people with lived experience as possible – parents, family members, kinship carers, children, care experienced adults, foster carers – and to bring together the themes heard from those people with the best available research and evidence.
- The Review has done that rapidly in a three month period and come back with a transparent request to tell them if they have missed or misunderstood anything.
- The Review has posed a number of questions to guide the next stage.
- The Review has spoken to a lot of kinship carers and a number of support organisations
- The Parliamentary Taskforce on Kinship Care put kinship care firmly on the policy map and more so than it ever has before and he hopes the Review will build on that work.
- In the kinship section of the case for change, the Review sets out how this option is overlooked for a lot of children and how there are huge variations in the arrangements for kinship carers across England.
- The Review poses the question, how do we better support and recognise kinship care?
- Josh said the system isn't doing that at the moment and we need to do a much better job of getting that right – he said it's partly about having the back of grandparents and aunts and uncles who are stepping in, often, in really, personally painful circumstances where their own children might have had a struggle, and all the emotional turmoil of that. However, it's also a big social justice issue because kinship carers are disproportionately poorer and then there is additional pressure on those families from being kinship carers and often looking after their wider kin.
- Part of the challenge is about financial resource and he doesn't have an answer to it yet. It's partly got to be about defraying the experience of kinship carers trying to get support without needing to change legal order.
- Josh said he was also interested in some of the tension that might be there around introducing financial recognition for work for what some would consider part of family obligation. None of us would want an infrastructure similar to fostering around the inspection and monitoring of kinship arrangements and that is often what comes with

state services. There is a debate to be had around what is desirable and appropriate for families.

- We need to consider how we support this option in a way which maintains the dignity of family life and puts the expertise with those people who know these children best, that is their wider family. While also being compliant with safeguarding and conversant with public spending pressures.
- Josh said he would welcome views on these issues and how we get it right.

3) Questions

Q1) AG: said his experiences chime with some of what JM said. It looked like their grandson was heading for adoption, then their daughter absconded a mother and baby unit, and he arrived on their doorstep one day like the stork had dropped him off. AG said they were an afterthought - they were the only game in town at that particular moment of the family being in crisis and then they had to fight through the courts for a special guardianship order. There is a huge variation in when and how local authorities assess potential kinship carers. Family members are often brought in last minute with no support and guidance – AG asked Josh why does he think that is and how can we tackle it?

JM said it's a huge question. He cited cultural challenges within children's services – there can be anxiety around asking families about how they can provide wider support that feels less like a service, when also being responsible for safeguarding and support for the children. There is comfort in being able to put children into more discernible services, like fostering or residential children's homes, and to deal with the part of the process they are in at that time. JM said there are examples of initiatives that have proven effective, such as the use of family group conferences, the brilliant work of FRG's Lifelong Links, and other initiatives. He said the muscle of asking families what they think the solutions are and what needs to happen next, isn't something that children's services exercises often. Family group conferences are often popped in as an initiative on the edge of care. JM said it's not the case everywhere but there is often not enough focus and energy put into building relationships with wider family, bringing them together in a way that doesn't require a service on an ongoing basis. It's not easy work but it's what we need to be seeing more of.

Q2) AG: raised access to legal advice. He said the court system seems to be stacked against you as a kinship carer. Not having access to legal advice, fees and support unless you can afford to pay for it. AG said they could afford it, but many can't and can end up in very substantial debt. AG asked do you think something needs to change in terms of kinship carers accessing the legal system?

JM: said given the legal circumstances that kinship carers can find themselves when taking on the care of a family members, taking on the legal aspects of it at the same time, is just heaping pressure on kinship carers. Both the costs and navigating it. JM said the Review has heard this from a number of kinship carers and is keen to hear views on how to address it. JM cited information from LGO about situations where kinship carers are put in situations where they are exposed in an alien legal system.

Q3) AG: said that becoming kinship carers hugely changed their lives – they have a beautiful grandson, but their lives as they knew it changed. When you're in work, it changes how you're able to function. AG asked: given that there are supporting mechanisms for people who foster, should this be extended to kinship carers, given how lifechanging it is?

JM: said he can't get into recommendations at this stage, but there is a good case to make for that. JM said he is raising these issues with ministers as we go through this review. JM said let's open up the discussion about what that support looks like but that he can't say what the recommendations are.

AG: said that there is a postcode lottery in the support offered by local authorities which needs to be looked at.

Q4) Paul Shuttleworth (BASW)(PS) raised his recent research on children in kinship care. Regarding whether it's a service or family obligation – PS said kinship care seems to sit in the middle. Carers are clear that they don't want services and social workers invading their lives, but they do want support. PS said we need to be consulting children to see what they think because they also have clear ideas – we shouldn't be having these conversation without children being part of that?

JM: asked PS to share the research with the Review. JM said the way PS describes that space between, is an accurate reflection of what he has heard from kinship carers. The Review has hear from lots of children and young people and we will continue to hear from children and young people as the review continues.

Q5) Nicola Smith (Barnados)(NS) said the historic issue has been failing to recognise the exact nature of kinship care. Contact is often more complicated in kinship care, because of the pre-existing relationships that already exist. In fostering relationships, there would be more support in place around contact. Also benefit issues particularly in relation to Universal Credit and the two child limit, caring for a kinship child is not the same as deciding to have a third child. NS said we need to be specific about the needs of kinship carers and recommendations from the Review need to reflect that, and not try to pigeon hole into other areas e.g. fostering.

JM: said the Review very much want to hear views about what the package of support and recognition for kinship carers should look like, so that it meets the quality of relationships that kinship carers want and need from services. It might not look like other existing services.

Q6) Jonathan Hannay (JH), for Lord Hannay: referenced Josh's comments in his initial remarks in relation to there being a huge disparity in practice between local authorities. Some good practice in some localities, without national logic. JH said that Anne Longfield posed a question about whether it is time to look for a national framework for Children's Services, before she finished her term as Children's Commissioner. JH asked if this is something Josh is looking at? JH said he has been working in Brazil for 30 years, which does have a national framework.

JM: said that in Anne's speech she said that there are 152 local authorities and questioned whether there should be 152 different care systems. JM said we do have tremendous variation on a whole range of fronts. He said we need to look back to previous reviews, some of which have taken a bottom-up approach, identifying where good practice can be shared. There are also top-down approach of new entitlements and rules which in practice often doesn't lead to positive change for children and families at a local level. JM said both approaches haven't led to the extent of change we need. JM said the pressure in the system is stopping people from using their better judgment. That's not just the case for kinship but for family help more broadly and for children in care and the support they get while in it. He

said we need to look at how the system works. These are deeper questions about the behaviour of the system and where the incentives are. JM said we need to look at how we achieve and deliver change. However, JM said we first need to think about what we want to change – what is the experience and support families should get? JM said we also need to be cautious around seeing reorganising as ‘the answer’. There are plenty of examples of that not delivering the desired outcomes. He said we’ve tried bottom up and top down and neither have worked.

Q7) Baroness Drake (BD): said that if you look at reforms over the past ten years, there are deterrents and incentives built in – the two child benefit limit was for example designed to deter people from having more than two children when they couldn’t afford it. BD said it’s completely perverse to apply this to kinship carers, who we want to encourage to take on children. She said we can give the evidence in a list, but to get Government to make consistent policies, you need to be clear about what the incentives are that you want in the welfare system to support kinship carers. BD said it is the same with employment rights. She said that you can’t just say ‘I’m sorry, you picked up someone else’s child at midnight, when there was knock on the door, not my problem. You can’t get paid or you’re going to lose your job.’ BD said that wouldn’t happen if it was adoption or if it was pregnancy. There is no benchmark about how different decisions will impact kinship carers. The incentives for kinship carers need to be clear. There are perversities in the system that are not being recognised.

JM: agreed. He said in the case for change they flag the lack of a clear government family policy meaning that departments are making decisions that may seem sensible in isolation but have a negative knock on impact on families. JM said there are quite a few examples in children’s social care where unintended pressures have been piled on to other parts of the welfare system. He said wider thought needs to be given to other government policies. In relation to the welfare system and Universal Credit, JM says he has been pushing the DWP specifically on the Kickstart programme which again unintentionally doesn’t allow young people in care to participate because of the need to be on UC. This is an unintended effect of the policy because the wider picture hasn’t been thought through. JM said that even changing Universal Credit in a small way is a mammoth exercise. Part of what we will need to reconcile is, what is it we want to achieve for this group? What support do they need and what recognition do they need, and what is the best way to achieve that?

Q8) Cathy Ashley (FRG)(CA): Following on from Baroness Drake, CA said it’s ended up as a gatekeeping system where service provision and financial assistance is rationed and the result is it becomes more punitive. People then create whole systems to try to overcome gatekeeping. During the pandemic, CA says we’ve seen cases where parents have died and then kinship carers have been treated in a harsh manner – instead of the local authority supporting kinship carers, their first reaction has been to ration support. CA said this goes back to Baroness Drake’s point that the system is pushing people into poverty. CA said the Review needs to address these questions around poverty, deprivation, disadvantage and the way our benefit system currently works. CA also raised the fact the Parliamentary Taskforce on Kinship Care found that Black children are more likely to be in kinship care, but less likely to be in a legal arrangement which would give them a right to support. There is very little research on the experience of Black children in kinship care. CA asks JM if he is looking at this specifically as part of this review?

JM: said he held a roundtable on racial disparities in the children’s social care system and that they are highlighting a number of areas where we just don’t have the knowledge or the

information that we need, as a priority in the next in the next few months. JM said another one being family help, he said we really don't understand racial disparities in access to that help. On the broad point about the gatekeeping mindset JM said this is a tough one we need to crack. Whenever we introduce entitlements or services that are boundaried, often within a one year financial settlement, an elaborate eligibility process just adds to this experience of families that they are battling with the system when it should be helping and supporting them. JM said there could be significant improvement made by simplifying some of this. Moving away from pots of money that are narrowly focused and policed. It creates all sorted of unintended behaviours in the system.

Q9) PS: Works as a practitioner for Brighton and Hove – he said they rolled out a standard payment for kinship carers, no matter what the order or situation. It was a cost-saving procedure in many ways because it saved so much assessment time. PS said some really good work is going on in some areas and we need to tap into that.

JM: said that is a great example and the Review will follow up on that. There are a few other local authorities the Review has spoken to who are taking a slightly different approach on kinship care.

Q10) AG: asks about education – he said what we have seen, particularly during the early stages of the pandemic, is that many children in kinship households were invisible to public services including education and also wider government policymaking during the pandemic. AG asked why is that and how can we stop that from happening again?

JM: said a lot of people just don't know what kinship care is, even when it applies to them. This includes lawmakers. When it comes to schools, JM said he remembers being a teacher and the significance of the column indicating CP, alongside free school meals and looked after children. JM has wondered about whether asking schools to count and report their kinship children, would be a way of the education recognising and measuring children in kinship care. He said he has mused on this point and would be interested to hear thoughts from colleagues on whether this would be a desirable solution.

AG: said that it really is important given the high proportion of kinship children who have special education needs and who need additional educational support. Looking forward to see how we can push that and you are absolutely right that this is about awareness and recognition of kinship care across the system.

Q11) AG asked JM if he can play devil's advocate because there has been criticism around whether the Review is truly independent of government, whether JM has the freedom to recommend additional funding, and also whether the Review has focused on social work practitioners rather than challenges inherent in the system. AG asks how JM would respond to that?

JM: said that he would direct people to read the case for change, it says we need more investment and there isn't an option that doesn't involve more investment. JM said he has laid a number of very uncomfortable messages at the government's door. JM said he has carried out this review so far without fear or favour of saying to the government yes you have asked me to do this review but I will point out where there are problems and where some of that responsibility lies with them. JM says the case for change lays this out in stark terms. In terms of social worker practice, JM said this is frustrating because the case for change sets out the pressures and tensions that exist in the culture and practice surrounding social

workers. JM said he would challenge anyone to show evidence in the document or in something he has said which lays the blame at the door of social workers. However, JM said that this is not a review for social workers. It is a review for children and families. There may be some uncomfortable messages involved for everyone involved with children's services.

4) Chair's closing remarks

Andrew thanked Josh for his attendance. The APPG will be following the Review closely and continue to input its thoughts. He also extended an invite from the Group to meet again as the Review progresses, possibly in person/hybrid if restrictions allow.